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PTO/SB/05 (08-00)

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Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. ACU 105 DIV(2)
First Inventor Howard Bernstein
Title Matrices Formed of Polymer and Hydrophobic Compounds For Use in Drug Delivery
Express Mail Label No. EL 690 662 390 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 22]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ☐
5. Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Other: Check for \$355.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09 / 255,179

Prior application information: Examiner Webman, E.

Group / Art Unit: 1617

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been specifically omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

23579

or ☐ Correspondence address below

Name	Patrea L. Pabst Arnall Golden & Gregory, LLP				
Address	2800 One Atlantic Center 1201 West Peachtree Street				
City	Atlanta	State	GA	Zip Code	30309-3450
Country	United States	Telephone	(404) 873-8794	Fax	(404) 873-8795

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature		Date	12/6/00

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$355.00)

Complete if Known

Application Number	Divisional of 09/255,179
Filing Date	December 6, 2000
First Named Inventor	Howard Bernstein
Examiner Name	
Group Art Unit	
Attorney Docket No.	ACU 105 DIV(2)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 01-2507
 Deposit Account Name: Amall Golden & Gregory, LLC

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$355.00)

2. EXTRA CLAIM FEES

Total Claims: 20 - 20 = 0 x Fee from below = 0
 Independent Claims: 3 - 3 = 0 x Fee from below = 0
 Multiple Dependent: ☐ = ☐

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Patrea L. Pabst

Registration No. 31,284
(Attorney/Agent)

Complete (if applicable)

Telephone 404-873-8794

Signature

Date

12/6/00

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Howard Bernstein, Donald Chickering, Sarwat Khattak, and Julie Straub



Serial No.: Divisional of U.S.S.N. 09/255,179

Express Mail Label No.
EL 690 662 390 US

Filed: December 6, 2000

Date of Deposit:
December 6, 2000

For: MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS
FOR USE IN DRUG DELIVERY

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

**REQUEST FOR FILING A DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the new divisional patent application entitled "*Matrices Formed of Polymer and Hydrophobic Compounds For Use in Drug Delivery*" by Howard Bernstein, Donald Chickering, Sarwat Khattak, and Julie Straub, which is a divisional of pending prior application U.S. Serial No. 09/255,179, filed November 15, 1999, which claims the benefit of U.S. provisional application Serial No. 60/083,636 filed April 30, 1998. The application includes 1 page of abstract, 18 pages of specification, 3 pages of claims, and a copy of the executed Declaration from prior application U.S. Serial No. 09/255,179.

Divisional of U.S.S.N.: 09/255,179
"Matrices Formed Of Polymer and Hydrophobic Compounds For Use In Drug Delivery"
By: Howard Bernstein, Donald Chickering
Sarwat Khattak, and Julie Straub
Express Mail Label No.: EL 690 662 390 US
Date of Deposit: December 6, 2000
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

A Preliminary Amendment and an Information Disclosure Statement are enclosed.

Also enclosed from prior application U.S.S.N. 09/255,179 is a copy of the executed Assignment from Howard Bernstein, Donald Chickering, Sarwat Khattak, and Julie Straub, to Acusphere, Inc., recorded on February 22, 1999, at Reel 9786, Frame 0486.

This divisional application is being filed in response to a Restriction Requirement made in prior application U.S. Serial No. 09/255,179, to prosecute non-elected claims. Please preliminarily amend the application in accordance with the Preliminary Amendment.

Submitted with the new application are a (1) check in the amount of \$355.00 to cover the filing fee for a small entity; (2) Fee Transmittal (PTO/SB/17); and (3) Utility Patent Application Transmittal (PTO/SB/45).

This application is entitled to small entity status pursuant to 37 C.F.R. § 1.27. It is believed that \$355.00 is the proper filing fee for a small entity, as the application includes one independent claim and a total of thirteen claims after entry of the enclosed Preliminary Amendment. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2507. To facilitate this process, applicants have enclosed a duplicate of this letter.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/255,179 to which the new application claims benefit. The power of attorney in the prior

Divisional of U.S.S.N.: 09/255,179
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**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

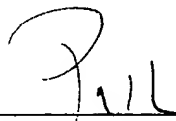
application is to Patrea L. Pabst, Registration No. 31,284. The inventorship for the claims in the new application is the same as in parent application Serial No. 09/255,179.

This application is being filed on December 6, 2000, by mailing the application to the Box Patent Application, Assistant Commissioner of Patents, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label Number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

All correspondence concerning this application should be mailed to:

Patrea L. Pabst, Esq.
ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3450

Respectfully submitted,



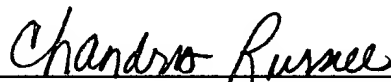
Patrea L. Pabst
Reg. No. 41,284

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Divisional of U.S.S.N.: 09/255,179
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**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, December 6, 2000, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number EL 690 662 390 US addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.



Chandra Russell

Date: December 6, 2000